

# EXHIBIT J

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CASE NO.: 20-CV-3699  
PDV USA, INC.,  
Plaintiff,  
vs.  
INTERAMERICAN CONSULTING INC.,  
Defendant.

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VIDEOTAPED DEPOSITION OF  
INTERGLOBAL YACHT MANAGEMENT, LLC  
BY: JOEL BRAKHA

Monday, February 28, 2022  
10:07 a.m. - 2:58 p.m.

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Stenographically Reported By:  
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2 ALSO PRESENT:

3 Michael Montalvo, Videographer

4 David Rivera

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1           THE VIDEOGRAPHER: Good morning. We're now  
2           on the video record. My name is  
3           Michael Montalvo on behalf of Veritext Legal  
4           Solutions. Today is Monday, February 28, 2022.  
5           And the time is 10:07 a.m. This is the  
6           deposition of Joel Brakha in the matter of  
7           PDV USA Inc. versus Interamerican Consulting  
8           Inc.

9           May counsel please state their appearances  
10          for the record and after this the court reporter  
11          will swear in the witness.

12          MR. SULLIVAN: Brady Sullivan for PDV USA.

13          MR. JOHNSON: Jason Johnson of the  
14          Byrd Campbell firm of Winter Park, Florida for  
15          Interamerican Consulting.

16          MR. GARDANA: Robert Gardana and  
17          Alexander Fox on behalf of the deponent.

18          MR. KORN: Jeffrey Korn of Willkie Farr &  
19          Gallagher.

20          THE COURT REPORTER: Raise your right hand,  
21          please.

22          Do you swear that the testimony you're  
23          about to give will be the truth, the whole  
24          truth, and nothing but the truth?

25          THE WITNESS: Yes.

1       Thereupon:

2                               JOEL BRAKHA,  
3       having been first duly sworn, was examined and  
4       testified as follows:

5                               DIRECT EXAMINATION

6       BY MR. SULLIVAN:

7               Q.     Good morning, Mr. Brakha.

8               A.     Good morning.

9               Q.     Could you please state your full name for  
10      the record.

11              A.     Joel Brakha.

12              Q.     What is your current occupation?

13              A.     Yacht broker.

14              Q.     For whom?

15              A.     Interglobal Yacht Sales.

16              Q.     Is there any reason you're not able to  
17      provide truthful testimony today?

18              A.     No.

19              Q.     Do you understand that you're under oath  
20      for today's deposition?

21              A.     Yes.

22              Q.     Ground rules for today are pretty simple.

23      I'll ask you questions, you'll answer them. I'll

24      just ask that you please let me finish my question

25      before giving your answer, and, likewise, I'll try to



1                   Okay. Do you see where it says: "Terms  
2 and Recitals"?

3           A.     Yes.

4           Q.     Okay. And then one, two paragraphs, it  
5 says: "Whereas the subcontractor wishes to provide  
6 international strategic consulting services as the  
7 contractor and the client may from time to time  
8 require."

9           A.     Yes.

10          Q.     And it's your testimony that  
11 Interglobal Yacht Management or Interglobal Yacht  
12 Sales never provided such consulting services?

13          A.     Correct.

14          Q.     Okay. If you go down to Paragraph  
15 Number 3, "Duties of a Subcontractor."

16                   Do you see that?

17          A.     Yes.

18          Q.     "It shall be the subcontractor's duty to  
19 provide the contractor and the client with  
20 international strategic consulting to best serve the  
21 contractor's ability to fulfill its agreement with  
22 the client."

23                   Do you see that?

24          A.     Yes.

25          Q.     And, again, did Interglobal Yacht

1 Management ever provide international strategic  
2 consulting services in connection with this contract?

3 A. No.

4 Q. Do you know what international strategic  
5 consulting services means?

6 A. No.

7 Again, it was for a real estate deal, as  
8 far as I know, and that's . . .

9 Q. Did Interglobal Yacht Management ever act  
10 as a subcontractor for Interamerican Consulting?

11 A. No.

12 Q. Did you communicate to Mr. Rivera when you  
13 met with him about this document that you do not  
14 agree to its terms?

15 A. I don't recall. I just know that I didn't  
16 sign it, and I said -- I kind of read quickly, and I  
17 said, "I think this has nothing to do with me. I  
18 think it's probably a wrong company, a wrong focus,"  
19 or whatever you want to call it, and said -- that's  
20 as far as I can remember.

21 Q. And you never signed this contract, ever?

22 A. Never.

23 Q. Okay. Was this contract ever performed?

24 A. I don't know.

25 Q. You don't know.

1 "David."

2 Do you see that?

3 A. Uh-huh, yes.

4 Q. What were you discussing with Mr. Rivera  
5 here?

6 A. The meeting that he was coming to the  
7 office, which I didn't know what for, and then showed  
8 up with this contract. And I told him, you know,  
9 "I'm not signing it. I think this has nothing do  
10 with me. I will speak to Gorrin about it and get  
11 back to you."

12 Q. As far as I can tell, here are the first  
13 text messages from you to Mr. Rivera; is that  
14 correct?

15 A. Correct.

16 Q. Did you have Mr. Rivera's number saved in  
17 your phone?

18 A. No.

19 Q. Okay.

20 A. That's why it says -- it doesn't say David  
21 Rivera here; it says just the phone number.

22 Q. Understood.

23 How did you get Mr. Rivera's phone number?

24 A. I don't recall. I don't know if it was  
25 given by Raul or Gorrin or he called me and -- I

1 Do you have that with you?

2 A. Yes.

3 Q. Okay. And you testified earlier that  
4 during your meeting with Mr. Rivera, he handed you  
5 this document; is that correct?

6 A. Correct.

7 Q. And we just looked at the text message, and  
8 we saw that that meeting occurred on March 8th, 2018.  
9 Do you recall that?

10 A. I don't recall.

11 Q. Okay. Direct your attention back to  
12 Exhibit 10. Do you see the date of the second text  
13 message, March 8th, 2018?

14 A. Uh-huh.

15 Q. Okay. And do you see -- that's the first  
16 text message. Can you please turn the page.

17 Do you see where it says: "Thanks again  
18 for seeing me"?

19 A. Yes.

20 Q. Okay. And that's on March 8th, 2018?

21 A. Uh-huh.

22 Q. Okay. And if you can look back at  
23 Exhibit 8, "The Subcontracting Agreement."

24 A. Okay.

25 Q. And your testimony is that during the

1 meeting with Mr. Rivera on March 8th, 2018, he handed  
2 you this document; is that correct?

3 A. Correct.

4 Q. Okay. Do you see at the bottom that the  
5 document is signed by David Rivera or at least a  
6 signature above David Rivera's name; do you see that?

7 A. Yes.

8 Q. Okay. And do you see where it says:  
9 3/20/2017?

10 A. Yeah, I just saw it.

11 Q. Okay. Do you know why Mr. Rivera was  
12 handing you a contract dated 2017 during a meeting in  
13 March of 2018?

14 A. No idea.

15 Q. But you received the payments from  
16 Interamerican in 2017, that was your testimony,  
17 right?

18 A. That was whatever we sent to you in the  
19 banking records, that's what . . .

20 Q. And were those payments received in  
21 connection with the phone call you had with  
22 Mr. Gorrin?

23 A. Yes.

24 Q. Do you recall how far apart in time the  
25 phone conversation with Mr. Gorrin was and the

1           A.     That the money was received for the yacht  
2 expenses.

3           Q.     So you just testified that the money was  
4 received by Interglobal Yacht Management; is that  
5 correct?

6           A.     Yes.

7           Q.     Okay. Who told you that the money was to  
8 be used for Mr. Gorrin's yacht?

9           A.     Himself.

10          Q.     Mr. Gorrin told you?

11          A.     Yes.

12          Q.     I did the math. Am I correct that in  
13 between March 31st, 2017 and April 24th, 2017,  
14 Interglobal Yacht Management received \$3.75 million  
15 from Interamerican Consulting; isn't that right?

16          A.     Yes.

17          Q.     Do you know why Interamerican Consulting  
18 sent \$3.75 million to Interglobal Yacht Management  
19 during early 2017?

20          A.     To cover for the expenses of the yacht and  
21 his family yacht.

22          Q.     And you testified earlier that your  
23 understanding is that this money came from a  
24 real estate deal between Mr. Rivera and Mr. Gorrin;  
25 is that right?

1 A. That's what I was told, yes.

2 Q. By Mr. Gorrin?

3 A. Gorrin, yes.

4 MR. SULLIVAN: I would like to mark the  
5 next Exhibit 18.

6 THE COURT REPORTER: 17.

7 MR. SULLIVAN: 17.

8 (Thereupon, marked as Exhibit 17.)

9 BY MR. SULLIVAN:

10 Q. Sir, do you recognize this email?

11 A. Yes.

12 Q. Did you write it?

13 A. Yes.

14 Q. And you sent it to Mr. Gorrin on  
15 September 5th, 2017?

16 A. Yes, whatever it says there.

17 Q. This email was maintained by  
18 Interglobal Yacht Management in the ordinary course  
19 of business?

20 A. Interglobal Yacht Sales, which is the only  
21 email I've used to send and receive emails.

22 Q. Understood.

23 And what are you sending to Mr. Gorrin  
24 here?

25 A. That there was a hurricane around Miami,